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**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

FILED  
U.S. DISTRICT COURT  
NORTHERN DIST. OF TX  
FT. WORTH DIVISION  
2012 APR 16 PM 1:24

**MANSFIELD HELIFLIGHT, INC.**  
**Plaintiff,**

**vs.**  
**GRIZZLY HELO LEASING, LLC,**  
**BELL HELICOPTER TEXTRON,**  
**INC. and UNITED STATES AVIATION**  
**UNDERWRITERS, INC.**  
**Defendants.**

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CLERK OF COURT

**Civil Action No. 4:12-cv-00203-A**

**DEFENDANT UNITED STATES AVIATION  
UNDERWRITERS, INC.'S ORIGINAL ANSWER**

**TO THIS HONORABLE COURT:**

United States Aviation Underwriters, Inc. (hereinafter "USAU"), one of the Defendants herein, files its Original Answer to Plaintiff's Original Petition (hereinafter "Petition") as follows:

**I.**

**RESPONSES SPECIFIC TO ALLEGATIONS IN THE PETITION**

The allegations of the unnumbered preamble of the Petition do not require a response from USAU, but to the extent that they do, they are denied.

1. The allegations of Paragraph 1 of the Petition contain state court discovery requests to which no responsive pleading is required, but to the extent that a response is required, those allegations are denied.
2. USAU admits the allegations of Paragraph 2 of the Petition.
3. Regarding the allegations of Paragraph 3 of the Petition, USAU admits only that Defendant Grizzly Helo Leasing, LLC ("Grizzly"), is a corporation organized and

existing under the laws of the State of Montana, but USAU lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of Paragraph 3 of the Petition.

4. Regarding the allegations of Paragraph 4 of the Petition, USAU admits only that Defendant Bell Helicopter Textron Inc. ("Bell") is a Delaware corporation authorized to and doing business in Tarrant County, Texas and that Bell may be served by serving its registered agent for service of process Timothy John Harrington, 600 East Hurst Boulevard, Texas 76053. USAU denies that "all or substantially all of the activities that form the basis of this Petition occurred in Tarrant County, Texas."
5. Regarding the allegations of Paragraph 5 of the Petition, USAU admits only that USAU is a New York corporation and that it does business in Tarrant County and Dallas County, Texas and that it may be served with process by serving its registered agent CT Corporation System, 350 North St. Paul Street, Suite 2900, Dallas, Texas 75201. USAU denies that "all or substantially all of the activities that form the basis of this Petition occurred in Tarrant County, Texas."
6. Regarding the allegations of Paragraph 6 of the Petition, USAU admits only that "venue is proper in Tarrant County" but denies the remaining allegations of Paragraph 6.
7. USAU lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 7 of the Petition.

8. Regarding the allegations of Paragraph 8 of the Petition, USAU admits that this Court has personal jurisdiction over USAU and that USAU maintains an office in Dallas, Texas. The remaining allegations of Paragraph 8 are directed against Bell and do not require a response from USAU.
9. Regarding the allegations of Paragraph 9 of the Petition, USAU admits that this Court, (the United States District Court for the Northern District of Texas, Fort Worth Division), has jurisdiction over this controversy and that Plaintiff's allegations of alleged damages exceed the amount in controversy requirements for diversity jurisdiction. However, USAU denies that Plaintiff has proved or can prove any actual "damages" against USAU.
10. USAU lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 10 of the Petition.
11. USAU lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 11 of the Petition.
12. USAU lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 12 of the Petition.
13. USAU lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 13 of the Petition.
14. USAU lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 14 of the Petition.
15. USAU lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 15 of the Petition.

16. USAU lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 16 of the Petition.
17. USAU lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 17 of the Petition.
18. USAU lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 18 of the Petition.
19. USAU lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 19 of the Petition.
20. USAU lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 20 of the Petition.
21. USAU lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 21 of the Petition.
22. USAU denies the allegations of Paragraph 22 of the Petition.
23. USAU lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 23 of the Petition.
24. USAU lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 24 of the Petition.
25. USAU lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 25 of the Petition.
26. USAU lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 26 of the Petition.

27. USAU lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 27 of the Petition.
28. USAU lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 28 of the Petition.
29. USAU lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 29 of the Petition.
30. USAU lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 30 of the Petition.
31. USAU lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 31 of the Petition.
32. USAU lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 32 of the Petition.
33. USAU lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 33 of the Petition.
34. USAU denies the allegations of Paragraph 34 of the Petition.
35. USAU denies the allegations of Paragraph 35 of the Petition.
36. USAU denies the allegations of Paragraph 36 of the Petition.
37. USAU lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 37 of the Petition.
38. USAU lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 38 of the Petition.

39. USAU lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 39 of the Petition.
40. USAU lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 40 of the Petition.
41. Paragraph 41 of the Petition "incorporates foregoing as though fully set forth herein", and therefore USAU incorporates as though fully set forth its responses to Paragraphs 1 through 40 of the Petition.
42. USAU denies the allegations of Paragraph 42 of the Petition.
43. USAU denies the allegations of Paragraph 43 of the Petition.
44. Paragraph 44 of the Petition "incorporates foregoing as though fully set forth herein", and therefore USAU incorporates as though fully set forth its responses to Paragraphs 1 through 43 of the Petition.
45. USAU lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 45 of the Petition.
46. USAU lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 46 of the Petition.
47. Paragraph 47 of the Petition "incorporates foregoing as though fully set forth herein", and therefore USAU incorporates as though fully set forth its responses to Paragraphs 1 through 46 of the Petition.
48. USAU lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 48 of the Petition.

49. USAU lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 49 of the Petition.
50. Paragraph 50 of the Petition "incorporates foregoing as though fully set forth herein", and therefore USAU incorporates as though fully set forth its responses to Paragraphs 1 through 49 of the Petition.
51. USAU denies the allegations of Paragraph 51 of the Petition.
52. USAU denies the allegations of paragraph 52 of the Petition.
53. USAU denies the allegations of Paragraph 53 of the Petition.
54. USAU denies the allegations of Paragraph 54 of the Petition.
55. Paragraph 55 of the Petition "incorporates foregoing as though fully set forth herein", and therefore USAU incorporates as though fully set forth its responses to Paragraphs 1 through 54 of the Petition.
56. USAU denies the allegations of Paragraph 56 of the Petition.
57. USAU denies the allegations of Paragraph 57 of the Petition.
58. Regarding the allegations of Paragraph 58 of the Petition, USAU admits only that "Plaintiff demands a jury trial".
59. Regarding the unnumbered "PRAYER" contained in Paragraph VII of the Petition, USAU denies the allegations of Paragraph VII and USAU further denies the allegations of subparagraph (1); USAU denies the allegations of subparagraph (2); USAU denies the allegations of subparagraph (3); USAU denies the allegations of subparagraph (4); USAU denies the allegations of subparagraph (5); USAU denies the allegations of subparagraph (6); USAU

denies the allegations of subparagraph (7); and USAU denies that Plaintiff is entitled to any recovery whatsoever of or from USAU.

60. USAU denies any and all other allegations contained in the Petition that have not been previously addressed above.

**II.**  
**AFFIRMATIVE DEFENSES**

61. The Petition fails to state a claim against USAU upon which relief can be granted.
62. Alternatively, USAU asserts that Plaintiff's own acts or omissions caused or contributed to its alleged damages.
63. Alternatively, USAU asserts that the claims in question and Plaintiff's alleged damages were solely and proximately caused or occurred under circumstances over which USAU had no control and for which USAU has no responsibility.
64. Alternatively, USAU asserts the defenses of the expiration and/or limitation of any applicable express or implied warranty.
65. Alternatively, USAU asserts the defense of any applicable statute of limitations, including but not limited to any applicable two (2) year or four (4) year statute of limitations.
66. Alternatively, USAU asserts that there was and is a complete lack of privity of contract or privity of agreement between Plaintiff and USAU.
67. Alternatively, USAU asserts that Plaintiff's alleged claims are governed by, preempted by, and precluded by, the applicable provisions of Federal law, including but not limited to the provisions of the Federal Aviation Regulations.

**WHEREFORE**, premises considered, Defendant United States Aviation



Underwriters, Inc. ("USAU") prays that Plaintiff take nothing by its claims against USAU and that USAU be dismissed with its costs and be awarded such other and further relief to which it may show itself justly entitled.

Respectfully submitted,



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**ATTORNEYS FOR DEFENDANT,  
UNITED STATES AVIATION  
UNDERWRITERS, INC.**

**CERTIFICATE OF SERVICE**

This is to certify the above and foregoing has been served upon the following parties, by and through their respective attorneys of record as follows on this 16<sup>th</sup> day of April, 2012.

**Via Certified Mail – Return Receipt Requested**

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McCONWELL LAW OFFICES  
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**Via Certified Mail – Return Receipt Requested**

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STEPHEN C. HOWELL